

AMENDED IN SENATE MARCH 18, 2013

SENATE BILL

No. 220

Introduced by Senator Beall

February 11, 2013

An act to amend ~~Section 21060~~ of Sections 9353, 75005, and 75505 of, and to add Section 20004 to, the Government Code, relating to public employees' retirement.

LEGISLATIVE COUNSEL'S DIGEST

SB 220, as amended, Beall. ~~Retirement: state employees. California Public Employees' Pension Reform Act of 2013: administration.~~

The Public Employees' Retirement Law establishes the Public Employees' Retirement System (PERS) for the purpose of providing pension benefits to specified public employees. Existing law also establishes the Judges' Retirement System and Judges' Retirement System II, which provide pension benefits to judges, as defined, and the Legislators' Retirement System, which provides pension benefits to specified elective officers of the state, other than judges, and to legislative statutory officers. Existing law requires that these systems be administered by the Board of Administration of PERS. Existing law, the California Public Employees' Pension Reform Act of 2013 (PEPRA), on and after January 1, 2013, generally requires a public retirement system, as defined, to modify its plan or plans to comply with the act, as specified.

This bill would require the Board of Administration of PERS to administer each of the retirement systems described above in conformance with PEPRA as if the provisions of the act were contained in the provisions governing those systems. The bill would provide that if the board determines that there is a conflict between the provisions

of PEPPRA and respective provisions of those systems, the provisions of PEPPRA control.

~~The Public Employees' Retirement Law provides a comprehensive set of rights and benefits for its members based upon age, service credit, and final compensation. That law requires a member of the Public Employees' Retirement System to be retired for service upon his or her written application, if he or she has attained 50 years of age and is credited with 5 years of state service, except as specified.~~

~~This bill would make a technical, nonsubstantive change to that provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 9353 of the Government Code is amended
2 to read:

3 9353. This system shall be administered by the Board of
4 Administration of the Public Employees' Retirement System. The
5 board shall administer this system in accordance with the
6 provisions of the Public Employees' Retirement Law to the same
7 extent and with the same effect as if those provisions are contained
8 in the Legislators' Retirement Law, except for those provisions
9 which provide for the payment of an allowance or other benefit
10 and except for those provisions which conflict with any provision
11 or provisions of the Legislators' Retirement Law. *To the extent*
12 *applicable, the board shall also administer this system in*
13 *conformance with the California Public Employees' Pension*
14 *Reform Act of 2013 (Article 4 (commencing with Section 7522) of*
15 *Chapter 21 of Division 7 of Title 1) to the same extent and with*
16 *the same effect as if the provisions of the act are contained in the*
17 *Legislators' Retirement Law. If the Board of Administration of the*
18 *Public Employees' Retirement System determines that there is a*
19 *conflict between the provisions of the California Public Employees'*
20 *Pension Reform Act of 2013 and this chapter, the provisions of*
21 *the California Public Employees' Pension Reform Act of 2013*
22 *shall control.*

23 SEC. 2. Section 20004 is added to the Government Code, to
24 read:

1 20004. (a) *It is the intent of the Legislature, in enacting this*
2 *section and amending this part, to comply with, and implement*
3 *the provisions of, the California Public Employees' Pension Reform*
4 *Act of 2013 (Article 4 (commencing with Section 7522) of Chapter*
5 *21 of Division 7 of Title 1) to ensure the continued ability of the*
6 *board to invest the retirement fund and administer the system in*
7 *conformity with its duties and responsibilities and to ensure that*
8 *members are provided with the retirement and related benefits to*
9 *which they are entitled pursuant to law.*

10 (b) *To achieve the purposes set forth in subdivision (a), the*
11 *board shall have all powers reasonably necessary to invest the*
12 *assets associated with, and to administer and implement the*
13 *provisions of, the California Public Employees' Pension Reform*
14 *Act of 2013, to the extent and with the same effect as if the*
15 *provisions of the act are contained in the Public Employees'*
16 *Retirement Law. All laws governing the investment of the*
17 *retirement fund, and the organization, procedures, and*
18 *administrative duties and responsibilities of the board shall be*
19 *applicable to the board in its administration of the California*
20 *Public Employees' Pension Reform Act of 2013, to the extent these*
21 *laws are not in conflict with, or are not inconsistent with, the act.*
22 *If the board determines that there is a conflict between the*
23 *provisions of the California Public Employees' Pension Reform*
24 *Act of 2013 and the Public Employees' Retirement Law, the*
25 *provisions of the California Public Employees' Pension Reform*
26 *Act of 2013 shall control.*

27 (c) *Nothing in this section shall be construed to amend,*
28 *supersede, limit, or extend the application of the provisions of the*
29 *California Public Employees' Pension Reform Act of 2013.*

30 SEC. 3. *Section 75005 of the Government Code is amended to*
31 *read:*

32 75005. *Notwithstanding any other provision of law, this chapter*
33 *shall be administered and governed by the Board of Administration*
34 *of the Public Employees' Retirement System in accordance with*
35 *the Public Employees' Retirement Law to the same extent and*
36 *with the same effect as if those provisions are contained in the*
37 *Judges' Retirement Law, except for those provisions which provide*
38 *for the payment of an allowance or other benefit and except for*
39 *those provisions which conflict with any provision of the Judges'*
40 *Retirement Law. To the extent applicable, the Board of*

1 *Administration of the Public Employees' Retirement System shall*
2 *also administer this chapter in conformance with the California*
3 *Public Employees' Pension Reform Act of 2013 (Article 4*
4 *(commencing with Section 7522) of Chapter 21 of Division 7 of*
5 *Title 1) to the same extent and with the same effect as if the*
6 *provisions of the act are contained in the Judges' Retirement Law.*
7 *If the Board of Administration of the Public Employees' Retirement*
8 *System determines that there is a conflict between the provisions*
9 *of the California Public Employees' Pension Reform Act of 2013*
10 *and this chapter, the provisions of the California Public*
11 *Employees' Pension Reform Act of 2013 shall control. "State*
12 *Controller" or "Controller" as used in this chapter, or any other*
13 *provision of law relating to the chapter, shall be construed to refer*
14 *to and mean the "Board of Administration of the Public Employees'*
15 *Retirement System"; however, the Controller shall continue to*
16 *perform the duties prescribed in Sections 75092, 75097, 75101,*
17 *and 75102.*

18 All payments from the Judges' Retirement Fund shall be made
19 upon warrants drawn by the Controller upon demands by the Board
20 of Administration of the Public Employees' Retirement System.

21 *SEC. 4. Section 75505 of the Government Code is amended to*
22 *read:*

23 75505. (a) This chapter shall be administered and governed
24 pursuant to the Public Employees' Retirement Law to the same
25 extent and with the same effect as if those provisions are contained
26 in this chapter, except for those provisions that provide for the
27 payment of an allowance or other benefit and except for those
28 provisions that conflict with any provision of this chapter. *To the*
29 *extent applicable, the Board of Administration of the Public*
30 *Employees' Retirement System shall administer this chapter in*
31 *conformance with the California Public Employees' Pension*
32 *Reform Act of 2013 (Article 4 (commencing with Section 7522) of*
33 *Chapter 21 of Division 7 of Title 1) to the same extent and with*
34 *the same effect as if the provisions of the act are contained in the*
35 *Judges' Retirement System II Law. If the Board of Administration*
36 *of the Public Employees' Retirement System determines that there*
37 *is a conflict between the provisions of the California Public*
38 *Employees' Pension Reform Act of 2013 and this chapter, the*
39 *provisions of the California Public Employees' Pension Reform*
40 *Act of 2013 shall control.*

1 (b) All payments from the Judges' Retirement System II Fund
2 shall be made upon warrants drawn by the Controller upon
3 demands by the Board of Administration of the Public Employees'
4 Retirement System.

5 ~~SECTION 1. Section 21060 of the Government Code is~~
6 ~~amended to read:~~

7 ~~21060. (a) A member shall be retired for service upon his or~~
8 ~~her written application to the board if he or she has attained 50~~
9 ~~years of age and is credited with five years of state service, except~~
10 ~~as provided in Sections 21061, 21062, and 21074.~~

11 (b) For purposes of this section, "state service" includes service
12 to the state for which the member, pursuant to Section 20281.5,
13 did not receive credit.